

NO. PD-0243-20

IN THE
TEXAS COURT OF CRIMINAL APPEALS
AT AUSTIN

FILED
COURT OF CRIMINAL APPEALS
1/22/2021
DEANA WILLIAMSON, CLERK

SANDRA JEAN MELGAR,
Appellant

VS.

THE STATE OF TEXAS,
Appellee

ON DISCRETIONARY REVIEW FROM THE
COURT OF APPEALS FOR THE FOURTEENTH
SUPREME JUDICIAL DISTRICT OF TEXAS
AT HOUSTON
CASE NUMBER 14-17-00932-CR

Appeal in Cause Number 1435566
In the 178th District Court
of Harris County, Texas

MOTION FOR LEAVE TO FILE APPELLANT'S REPLY BRIEF

TO THE HONORABLE JUDGES OF SAID COURT:

NOW COMES, SANDRA JEAN MELGAR, appellant in the above-styled and numbered cause, by and through her attorneys of record, George McCall Secrest, Jr., and Allison Secrest, and presents this Motion for Leave to File Appellant's Reply Brief concurrently with Appellant's Reply Brief, pursuant to T.R.A.P. 10.1, and would

respectfully show the Court the following:

I.

By judgment dated August 24, 2017, appellant was convicted of the offense of murder in Cause Number 1435566 in the 178th District Court of Harris County, Texas, styled *The State of Texas v. SANDRA JEAN MELGAR*. Her punishment was assessed at twenty-seven (27) years imprisonment in the Texas Department of Criminal Justice Institutional Division and a fine of \$10,000.00.

II.

This Court has granted Appellant's Petition for Discretionary Review. On November 4, 2020, the appellant timely filed her brief. On December 29, 2020, the State filed its response. The appellant timely filed her Reply Brief on January 17, 2021, T.R.A.P. 38.6 ©, and hereby requests leave of Court, pursuant to T.R.A.P. 70.4, to file her Reply Brief.

III.

It is respectfully submitted that a Reply Brief will assist the Court in resolution of the issues pending before it. The record is lengthy, the facts are intricate, and the legal issues are significant. The issues before this Court involve legal sufficiency; the facts, therefore, are critical. The Reply Brief addresses many of the State's recitations regarding the record evidence which are inaccurate and/or incomplete and which do

not do justice to the actual trial record. In addition, the Reply Brief challenges the State's analysis of the legal questions presented in this appeal. The State has not cited, much less analyzed, many of the cases cited in the Brief for Appellant in support of her legal insufficiency argument, and advances arguments which, in part, do not comport with the decisional law of this Court and of the Supreme Court of the United States.

WHEREFORE, premises considered, the Appellant requests leave of Court to file the Appellant's Reply Brief.

Respectfully submitted,

/s/ George M. Secrest, Jr.

GEORGE McCALL SECREST, JR.

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Attorneys for the Defendant,

SANDRA JEAN MELGAR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to File Appellant's Reply Brief has been furnished to Ms. Stacey M. Soule, State Prosecuting Attorney, information@spa.texas.gov and Mr. Clinton Morgan, morgan_clinton@dao.hctx.net, on this 20th day of January, 2021.

/s/ George McCall Secrest, Jr.
GEORGE McCALL SECREST, JR.